

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**Case No. 2:16-mj-00002**

**MARK ANTHONY LEVITT**

**DETENTION ORDER**

**I. ELIGIBILITY**

The case is eligible for a detention hearing because:

**X A.** The United States filed a motion asserting that the case involves:

**X 1.** A crime of violence.

☐ **2.** An offense for which the maximum penalty is life imprisonment or death.

☐ **3.** A controlled substance offense for which the maximum penalty is ten years or more.

☐ **4.** Any felony and Defendant has been convicted of two or more Federal or State offenses described in I. A. 1., 2., or 3.

**X 5.** Minor victim, or the possession or use of a firearm or destructive device, or other dangerous weapon, or a failure to register under 18 U.S.C. § 2250.

**X B.** The United States filed a motion asserting that the case involves:

**X 1.** A serious risk that Defendant will flee.

**X 2.** A serious risk that Defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.

☐ **C.** Upon the Court's own motion, the case involves:

☐ **1.** A serious risk the Defendant will flee.

☐ **2.** A serious risk that Defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness or juror.

## II. ORDER FOR DETENTION

☐ A. After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f), the Court orders Defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).

X B. A detention hearing was not held. Defendant offered no evidence or testimony to rebut the presumption(s) established by 18 U.S.C. § 3142(e) that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

## III. STATEMENT OF REASONS FOR THE DETENTION

The Court orders Defendant to be detained because it finds:

X A. By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of Defendant as required.

X B. By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person and the community.

## IV. FINDINGS OF FACT

The Court's findings are based on the (evidence which was presented in Court) (evidence which was contained in the Pretrial Services Report) and are as follows:

☐ A. Nature and circumstances of the offense charged:

- ☐ 1. The offense: \_\_\_\_\_ is a serious crime and carries a maximum penalty of more than ten (10) years
- ☐ 2. The offense is a crime of violence.
- ☐ 3. The offense involves a narcotic drug.
- ☐ 4. The offense involves a large quantity of controlled substances, to-wit:  
\_\_\_\_\_

☐ B. The weight of the evidence against the Defendant is substantial.

☐ C. The history and characteristics of Defendant including:

☐ 1. General Factors:

- ☐ a. Defendant appears to have a mental condition which may affect whether the Defendant will appear.
- ☐ b. Defendant has no family ties in the area.
- ☐ c. Defendant has no steady employment.
- ☐ d. Defendant has no substantial financial resources.
- ☐ e. Defendant is not a long time resident of the community.
- ☐ f. Defendant does not have any significant community ties.
- ☐ g. Past conduct of Defendant: \_\_\_\_\_
- ☐ h. Defendant has a history relating to drug abuse.

- ☐ i. Defendant has a history relating to alcohol abuse.
- ☐ j. Defendant has a significant prior criminal record.
- ☐ k. Defendant has a prior record for failure to appear at court proceedings.

☐ 2. At the time of current arrest, Defendant was on:

- ☐ a. Probation
- ☐ b. Parole
- ☐ c. Release pending trial, sentence, appeal or completion of sentence.

☐ 3. Other Factors:

- ☐ a. Defendant is an illegal alien and is subject to deportation.
- ☐ b. Defendant is a legal alien and will be subject to deportation if convicted.
- ☐ c. Other: \_\_\_\_\_

☐ D. The nature and seriousness of the danger to any person or the community that would be posed by Defendant's release are as follows: potential danger of continued violations of the law, the defendant is unlikely to abide by conditions of release

☐ E. Rebuttable Presumptions:

☐ 1. In a case which is eligible for a hearing pursuant to I. A., the Court relied on the rebuttable presumption of detention in 18 U.S.C. § 3142(e), that Defendant has been convicted of a Federal or State offense listed in I. A. 1., 2., 3., or 4., which was committed while Defendant was on release for a Federal, State, or local offense, and less than five years has elapsed since Defendant was so convicted or released from imprisonment, and the Court found that Defendant did not rebut the presumption.

☐ 2. The Court/Grand Jury found probable cause to believe that Defendant committed:

- ☐ a. A controlled substance offense for which the maximum penalty is ten years or more, or
- ☐ b. An offense under 18 U. S. C. § § 924(c), or 956(a), or 2332b, or
- ☐ c. An offense involving a minor victim under 18 U.S.C. § \_\_\_\_\_; and the Court relied on the rebuttable presumption of detention in 18 U.S.C. § 3142(e), and the Court found that Defendant did not rebut the presumption.

V. ADDITIONAL DIRECTIVES

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

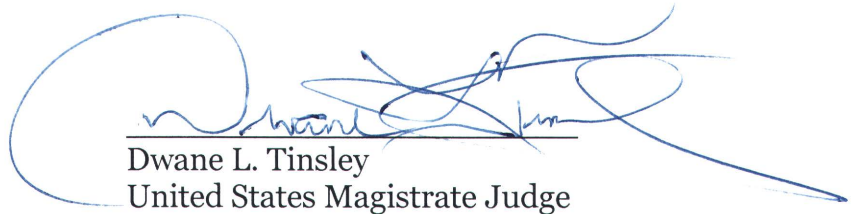
A. Defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal; and

B. Defendant be afforded reasonable opportunity for private consultation with counsel; and

C. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which Defendant is confined shall deliver the Defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

The Clerk is directed to provide a copy of this Detention Order to counsel of record, the Marshals Service, and the Probation Department.

ENTER: February 17, 2016



Dwane L. Tinsley  
United States Magistrate Judge